

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

§

Plaintiffs,

§

v.

§

STATE OF TEXAS, *et al.*,

§

Case No. 5:21-cv-00844-XR
[Lead Case]

Defendants.

§

HARRIS COUNTY REPUBLICAN PARTY, *et
al.*,

§

§

§

Intervenor-Defendants.

**LUPE PLAINTIFFS' MOTION FOR LEAVE TO FILE NUNC PRO TUNC
LUPE PLAINTIFFS' UNOPPOSED MOTION FOR ENLARGEMENT OF PAGE
LIMITATION FOR LUPE PLAINTIFFS' OPPOSED MOTION TO STRIKE THE
DECLARATION OF JONATHAN WHITE AND MOTION IN LIMINE TO EXCLUDE
TESTIMONY ABOUT NON-PUBLIC INFORMATION RELATING TO
INVESTIGATIONS AND PROSECUTIONS OF ALLEGED VOTER FRAUD**

Plaintiffs La Union del Pueblo Entero, *et al.* (“Plaintiffs”)¹ move the Court for leave to file *nunc pro tunc* their Unopposed Motion for Enlargement of Page Limitation and Opposed Motion to Strike the Declaration of Jonathan White and Motion *in Limine* to Exclude Testimony About Non-Public Information Relating to Investigations and Prosecutions of Alleged Voter Fraud. For the reasons set forth below, Plaintiffs request that the Court accept, one hour after the deadline, their motions and accompanying documents.

¹ Plaintiffs are La Union del Pueblo Entero, Friendship-West Baptist Church, Southwest Voter Registration Education Project, Texas Impact, Mexican American Bar Association of Texas, Texas Hispanics Organized for Political Education, Jolt Action, William C. Velasquez Institute , FIEL Houston Inc., and James Lewin.

1. The deadline for motions *in limine* was September 1, 2023. See August 22, 2023 Status Conference Hearing at Tr. 29:19-21.
2. On September 1, 2023, at 11:40 p.m., Plaintiffs began filing their motion and multiple exhibits. Plaintiffs logged into the Court's Electronic Document Filing System ("ECF") and uploaded their documents.
3. However, after Plaintiffs clicked the button to "submit" the motion, the ECF system stalled and then displayed the following error message: "ERROR: Document is malformed or contains code which may cause an external action (such as launching an application). This PDF document cannot be accepted. Click here for more information. If you need further assistance, please contact the court. Error File: C:\fakepath\Ex. J – April 27, 2022, Jonathan White Deposition Transcript Excerpts.pdf."
4. Plaintiffs made several further attempts to file the motion but received the same error message. Plaintiffs then scanned the exhibit for any corruption and re-saved the document as a PDF.
5. On the next filing attempts, ECF accepted the re-saved exhibit but rejected another exhibit. In total Plaintiffs re-saved three exhibits before successfully filing the motion and accompanying document.
6. As a result, Plaintiffs filed their motion with attachments at 12:51 a.m. on September 2, 2023.
7. Defendants are not prejudiced by the delayed filing of Plaintiffs' motion and Plaintiffs' delay in filing did not disrupt the Court's schedule.

8. Given the short and excusable delay in filing, and lack of prejudice to the other parties in this matter, Plaintiffs respectfully request that the Court grant leave to file *nunc pro tunc*, their Unopposed Motion for Enlargement of Page Limitation and Opposed Motion to Strike the Declaration of Jonathan White and Motion *in Limine* to Exclude Testimony About Non-Public Information Relating to Investigations and Prosecutions of Alleged Voter Fraud.

CONCLUSION

For the reasons stated above, Plaintiffs respectfully request the Court grant their motion for leave to file *nunc pro tunc*.

Dated: September 2, 2023

/s/ Nina Perales

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Respectfully Submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that, on September 2, 2023, counsel for LUPE Plaintiffs sent an email to confer with counsel for all parties concerning the subject of the instant motion. Counsel for State Defendants, Defendant Intervenors and Defendant El Paso County Elections Administrator Lisa Wise indicated that they are unopposed. Counsel for the remaining parties did not respond before the filing of this motion.

/s/ Nina Perales _____

Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 2nd day of September 2023.

/s/ Nina Perales
Nina Perales